

REMARKS**Summary of the Office Action**

Claims 1, 4-5, 7-16, 18-22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda (U.S. Publication No. 2002/0174360) (hereinafter "Ikeda") in view of Shimada (U.S. Patent No. 5,922,073) (hereinafter "Shimada").

Claims 2-3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Ikeda in view of Shimada and further in view of Morisawa et al. (U.S. Patent No. 5,537,544) (hereinafter "Morisawa").

Summary of the Response to the Office Action

Applicants have amended claims 1, 4-5, 8, 9-13, and 19 to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Accordingly, claims 1-24 remain pending for consideration.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 4-5, 7-16, 18-22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of Shimada. Claims 2-3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Ikeda in view of Shimada and further in view of Morisawa. These rejections are respectfully traversed for at least the following reasons.

Applicants respectfully submit that Ikeda cannot be applied as prior art against the instant application under 35 U.S.C. § 103(a) for the following reasons. Ikeda does not appear to qualify as prior art under 35 U.S.C. § 102(e), and thus cannot be applied under 35 U.S.C. § 103(a)

against the instant application. In particular, 35 U.S.C. § 102(e) provides that a published U.S. patent application is effective as prior art under 35 U.S.C. § 102(e)(1) as of the application's effective U.S. filing date, which can include an international application filing date, if the following three conditions are met: (1) the international application was filed on or after November 29, 2000, (2) the international application designated the U.S., and (3) the international application PCT publication (by WIPO) was in the English language.

From reviewing the WO/2002/001533 document, which Applicants understand is the WIPO publication of its related PCT International Application No. PCT/JP2001/005664, it appears that at least item (3) of the foregoing items (1)-(3) is not met because the WIPO publication was not printed in the English language (i.e., it was printed in the Japanese language). Applicants attach hereto a copy of the cover sheet of the PCT WO/2002/001533 document which includes an indication under "Publication Language" that the language of the international publication is Japanese.

Accordingly, if Applicants' understandings are correct, the U.S. Published Ikeda Application does not qualify as prior art under 35 U.S.C. § 102(e). As a result, all of the outstanding rejections under 35 U.S.C. § 103(a) should be withdrawn because they all apply Ikeda. To the extent that any of Applicants' understandings are incorrect, the Examiner is respectfully requested to provide clarification of such in the next Office Communication.

Moreover, Applicants note that as a result of the foregoing discussion, Ikeda can only be applied as prior art as of its publication date of November 21, 2002. However, as the instant U.S. application no. 10/025,809 was filed on December 26, 2001, Ikeda would not appear to qualify as prior art under other sections of 35 U.S.C. § 102.

Even further, Applicants note that the above-discussed WO/2002/001533 appears to have published on January 3, 2002 which is not prior to the filing date of this U.S. application.

Accordingly, it appears that this PCT publication also could not be applied against the instant application under other sections of 35 U.S.C. § 102.

Accordingly, Applicants respectfully submit that all of the outstanding rejections should be withdrawn because they all apply Ikeda which does not qualify as prior art against the instant application for at least the foregoing reasons.

In addition, Applicants respectfully traverse the Office Action's application of the secondary reference Shimada for at least the following reasons. The Office Action cites to various portions of Shimada as follows. With regard to claim 1, the Office Action alleges that the "second password" feature is disclosed at col. 1, line 46-49 and col. 3, lines 38-40 and col. 4, lines 14-17 of Shimada. With regard to claims 4 and 11, the Office Action alleges that the "judgment device" feature is disclosed at col. 3, line 47-55, the "update device" feature is disclosed at col. 3, line 40-44, and the "change device" feature is disclosed at col. 3, line 38-40 of Shimada. With regard to claim 8, the Office Action alleges that the "second password memory device" feature is disclosed at col. 1, line 46-49, col. 3, line 38-40, and col. 4, line 14-17 of Shimada.

Applicants respectfully traverse each of these particular assertions in the Office Action regarding Shimada at least because col. 1, lines 46-49 of Shimada does not relate to the features of embodiments of the disclosure of the instant application to any extent. The additional citations disclose only a feature involving the addition and replacement of attribute data including PW and positional information. Accordingly, the assertions in the Office Action

cannot be understood by Applicants because they appear to be irrelevant to the features in the claims for which they are applied.

Even further, Applicants respectfully submit that although the Examiner asserts at page 6 of the Office Action that there is a suggestion, at col. 4, lines 14-17 of Shimada that a “second password is recorded on said recording medium before being installed in said data processing apparatus,” Applicants are not able to locate even a trace of such a suggestion in Shimada.

Applicants understand that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Ikeda does not qualify as prior art against the instant application, as discussed above. Accordingly, even though a discussion of Shimada is thus unnecessary, Applicants note for clarification of the record that Shimada does not meet the features of the claims of the instant application for which it has been applied in the Office Action. With all due respect, Applicants note that they cannot understand why Shimada was applied against the claims of the instant application in light of its divergent subject matter as compared to embodiments of the disclosure of the instant application. To avoid any unnecessary argument-based estoppel, no further technical arguments regarding Shimada will be presented at this time.

Applicants have amended claims 1, 4-5, 8, 9-13, and 19 to differently describe embodiments of the disclosure of the instant application’s specification and/or to improve the form of the claims.

Claim 1 is amended mainly to clarify the timing of changing the second password of the recording medium such that the second password is changed after the installation of the data from recording medium to the data processing apparatus. This feature is illustrated, for example,

in Figs. 2 and 4. After the update process of Step S7, the second password is changed in Step S8, for example.

Claims 4 and 5 are amended to clarify that the update recording medium is other than said recording medium. Further, since “proper update recording medium” is one of the “update recording mediums,” the words “proper” are deleted from the associated terminology.

Claim 8 is amended to clarify that the update recording medium is other than said recording medium.

Claims 9 and 10 are amended to clarify that the update recording medium is other than said recording medium. Further, since “proper update recording medium” is one of the “update recording mediums,” the words “proper” are deleted from the associated terminology.

Claims 11 and 12 are amended to clarify that the update recording medium is other than said recording medium. Further, since “proper update recording medium” is one of the “update recording mediums,” the words “proper” are deleted from the associated terminology.

Claim 13 and 19 are amended. The expression “updates with” has been changed to “changes to” to improve the form of the claims.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: April 25, 2006

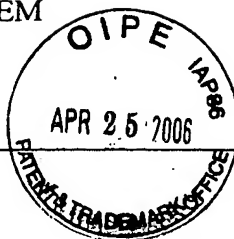
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Search result: 1 of 1

(WO/2002/001533) SERVICE PROVIDING SYSTEM

Biblio. Data	Description	Claims	National Phase	Notices	Documents
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Title: SERVICE PROVIDING SYSTEM

Abstract: A service server for providing service which uses, in order to improve after service for products purchased by users, an apparatus ID specifically allocated to a navigation system, a product purchased by a user, to access a specific navigation system and transmit navigation information. Namely, it positively accesses a navigation system that is one of an unspecified number of terminal devices on a communication network to transmit and provide service information, whereby it is possible to provide service having necessary and sufficient contents at any proper opportunity.

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